

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 45

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** HIROKAZU TAGIRI

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Appeal No. 95-4167  
Application 07/934,316<sup>1</sup>

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HEARD: January 15, 1998

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Before KRASS, LEE and CARMICHAEL, ***Administrative Patent Judges***.  
CARMICHAEL, ***Administrative Patent Judge***.

***DECISION ON APPEAL***

This is an appeal from the final rejection of claim 8.  
The other remaining claims, claims 1-7 and 9-12, have been  
indicated as directed to patentable subject matter.

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<sup>1</sup> Application for patent filed August 25, 1992.

Claim 8 reads as follows:

8. A video tape playback mode decision circuit in a video apparatus for playing back a video signal recorded on a video tape in a standard play mode in which said video tape is fed at a standard speed and in any other play mode in which said video tape is fed at a different speed, wherein on receiving a control signal read from said video tape and receiving an output signal synchronized with the feed speed of said video tape from a capstan frequency generator, said decision circuit generates a mode signal for setting one of said play modes in response to these signals, said decision circuit comprising:

a tape feed suspension detection circuit for outputting a tape suspension detection signal representing a stationary condition of said video tape on receiving said output signal, and

a mode signal output circuit for generating said mode signal for setting said standard play mode when said tape suspension detection signal is absent for a predetermined period of time and when said control signal is also absent.

The Examiner's Answer cites admitted prior art and the following prior art reference:

Narita	4,553,182	Nov. 12, 1985
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Claim 8 stands rejected under 35 U.S.C. § 103 as unpatentable over admitted prior art in view of Narita.

**OPINION**

Claim 8 is directed to a video tape playback mode decision circuit for setting the playback mode to a standard playback speed or to a different playback speed. The claimed playback mode decision circuit includes a tape feed suspension detection circuit.

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The examiner concedes that the admitted prior art fails to disclose a tape feed suspension detection circuit, but says that Narita discloses a tape feed suspension detection circuit that can stop the playback after detecting an abnormal condition. The examiner states that it would have been obvious to provide the admitted prior art with a tape feed suspension detection circuit as taught by Narita to protect the tape drive from an abnormal condition and save power. Examiner's Answer at 5.

Appellant argues that Narita only teaches stopping the playback entirely, not setting the playback mode. Appeal Brief at 19-20.

We agree with appellant.

The examiner's rationale results in incorporating a tape feed suspension detection circuit into a video tape **stop** decision circuit, not into a video tape **playback mode** decision circuit as recited. The claimed invention employs a suspension detection circuit in a circuit for selecting among different (non-zero) playback speeds. The examiner provides no rationale for the obviousness of such an arrangement.

Therefore, the rejection of claim 8 for obviousness is not sustained.

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**CONCLUSION**

The rejection of claim 8 under 35 U.S.C. § 103 as unpatentable over admitted prior art in view of Narita is not sustained.

**REVERSED**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
JAMESON LEE	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
JAMES T. CARMICHAEL	)	
Administrative Patent Judge	)	

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